

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 163
AN ACT

To repeal sections 288.040, 288.062, and 288.398, RSMo,
and to enact in lieu thereof three new sections
relating to unemployment compensation, with an
emergency clause.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 288.040, 288.062, and 288.398, RSMo,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 288.040, 288.062, and 288.398, to read as
4 follows:

5 288.040. 1. A claimant who is unemployed and has been
6 determined to be an insured worker shall be eligible for benefits
7 for any week only if the deputy finds that:

8 (1) The claimant has registered for work at and thereafter
9 has continued to report at an employment office in accordance
10 with such regulations as the division may prescribe;

11 (2) The claimant is able to work and is available for work.
12 No person shall be deemed available for work unless such person
13 has been and is actively and earnestly seeking work. Upon the
14 filing of an initial or renewed claim, and prior to the filing of

1 each weekly claim thereafter, the deputy shall notify each
2 claimant of the number of work search contacts required to
3 constitute an active search for work. No person shall be
4 considered not available for work, pursuant to this subdivision,
5 solely because he or she is a substitute teacher or is on jury
6 duty. A claimant shall not be determined to be ineligible
7 pursuant to this subdivision because of not actively and
8 earnestly seeking work if:

9 (a) The claimant is participating in training approved
10 pursuant to Section 236 of the Trade Act of 1974, as amended, (19
11 U.S.C.A. Sec. 2296, as amended);

12 (b) The claimant is temporarily unemployed through no fault
13 of his or her own and has a definite recall date within eight
14 weeks of his or her first day of unemployment; however, upon
15 application of the employer responsible for the claimant's
16 unemployment, such eight-week period may be extended not to
17 exceed a total of sixteen weeks at the discretion of the
18 director;

19 (3) The claimant has reported in person to an office of the
20 division as directed by the deputy, but at least once every four
21 weeks, except that a claimant shall be exempted from the
22 reporting requirement of this subdivision if:

23 (a) The claimant is claiming benefits in accordance with
24 division regulations dealing with partial or temporary total
25 unemployment; or

26 (b) The claimant is temporarily unemployed through no fault
27 of his or her own and has a definite recall date within eight
28 weeks of his or her first day of unemployment; or

1 (c) The claimant resides in a county with an unemployment
2 rate, as published by the division, of ten percent or more and in
3 which the county seat is more than forty miles from the nearest
4 division office;

5 (d) The director of the division of employment security has
6 determined that the claimant belongs to a group or class of
7 workers whose opportunities for reemployment will not be enhanced
8 by reporting in person, or is prevented from reporting due to
9 emergency conditions that limit access by the general public to
10 an office that serves the area where the claimant resides, but
11 only during the time such circumstances exist. Ineligibility
12 pursuant to this subdivision shall begin on the first day of the
13 week which the claimant was scheduled to claim and shall end on
14 the last day of the week preceding the week during which the
15 claimant does report in person to the division's office;

16 (4) Prior to the first week of a period of total or partial
17 unemployment for which the claimant claims benefits he or she has
18 been totally or partially unemployed for a waiting period of one
19 week. No more than one waiting week will be required in any
20 benefit year. During calendar year 2008 and each calendar year
21 thereafter, the one-week waiting period shall become compensable
22 once his or her remaining balance on the claim is equal to or
23 less than the compensable amount for the waiting period. No week
24 shall be counted as a week of total or partial unemployment for
25 the purposes of this subsection unless it occurs within the
26 benefit year which includes the week with respect to which the
27 claimant claims benefits;

28 (5) The claimant has made a claim for benefits within

1 fourteen days from the last day of the week being claimed. The
2 fourteen-day period may, for good cause, be extended to
3 twenty-eight days;

4 (6) The claimant has reported to an employment office to
5 participate in a reemployment assessment and reemployment
6 services as directed by the deputy or designated staff of an
7 employment office, unless the deputy determines that good cause
8 exists for the claimant's failure to participate in such
9 reemployment assessment and reemployment services. For purposes
10 of this section, "reemployment services" may include, but not be
11 limited to, the following:

12 (a) Providing an orientation to employment office services;

13 (b) Providing job search assistance; and

14 (c) Providing labor market statistics or analysis;

15 Ineligibility under this subdivision shall begin on the first day
16 of the week which the claimant was scheduled to report for the
17 reemployment assessment or reemployment services and shall end on
18 the last day of the week preceding the week during which the
19 claimant does report in person to the employment office for such
20 reemployment assessment or reemployment services;

21 (7) The claimant is participating in reemployment services,
22 such as job search assistance services, as directed by the deputy
23 if the claimant has been determined to be likely to exhaust
24 regular benefits and to need reemployment services pursuant to a
25 profiling system established by the division, unless the deputy
26 determines that:

27 (a) The individual has completed such reemployment
28 services; or

1 (b) There is justifiable cause for the claimant's failure
2 to participate in such reemployment services.

3 2. A claimant shall be ineligible for waiting week credit
4 or benefits for any week for which the deputy finds he or she is
5 or has been suspended by his or her most recent employer for
6 misconduct connected with his or her work. Suspensions of four
7 weeks or more shall be treated as discharges.

8 3. (1) Benefits based on "service in employment", defined
9 in subsections 7 and 8 of section 288.034, shall be payable in
10 the same amount, on the same terms and subject to the same
11 conditions as compensation payable on the basis of other service
12 subject to this law; except that:

13 (a) With respect to service performed in an instructional,
14 research, or principal administrative capacity for an educational
15 institution, benefits shall not be paid based on such services
16 for any week of unemployment commencing during the period between
17 two successive academic years or terms, or during a similar
18 period between two regular but not successive terms, or during a
19 period of paid sabbatical leave provided for in the individual's
20 contract, to any individual if such individual performs such
21 services in the first of such academic years (or terms) and if
22 there is a contract or a reasonable assurance that such
23 individual will perform services in any such capacity for any
24 educational institution in the second of such academic years or
25 terms;

26 (b) With respect to services performed in any capacity
27 (other than instructional, research, or principal administrative
28 capacity) for an educational institution, benefits shall not be

1 paid on the basis of such services to any individual for any week
2 which commences during a period between two successive academic
3 years or terms if such individual performs such services in the
4 first of such academic years or terms and there is a contract or
5 a reasonable assurance that such individual will perform such
6 services in the second of such academic years or terms;

7 (c) With respect to services described in paragraphs (a)
8 and (b) of this subdivision, benefits shall not be paid on the
9 basis of such services to any individual for any week which
10 commences during an established and customary vacation period or
11 holiday recess if such individual performed such services in the
12 period immediately before such vacation period or holiday recess,
13 and there is reasonable assurance that such individual will
14 perform such services immediately following such vacation period
15 or holiday recess;

16 (d) With respect to services described in paragraphs (a)
17 and (b) of this subdivision, benefits payable on the basis of
18 services in any such capacity shall be denied as specified in
19 paragraphs (a), (b), and (c) of this subdivision to any
20 individual who performed such services at an educational
21 institution while in the employ of an educational service agency,
22 and for this purpose the term "educational service agency" means
23 a governmental agency or governmental entity which is established
24 and operated exclusively for the purpose of providing such
25 services to one or more educational institutions.

26 (2) If compensation is denied for any week pursuant to
27 paragraph (b) or (d) of subdivision (1) of this subsection to any
28 individual performing services at an educational institution in

1 any capacity (other than instructional, research or principal
2 administrative capacity), and such individual was not offered an
3 opportunity to perform such services for the second of such
4 academic years or terms, such individual shall be entitled to a
5 retroactive payment of the compensation for each week for which
6 the individual filed a timely claim for compensation and for
7 which compensation was denied solely by reason of paragraph (b)
8 or (d) of subdivision (1) of this subsection.

9 4. (1) A claimant shall be ineligible for waiting week
10 credit, benefits or shared work benefits for any week for which
11 he or she is receiving or has received remuneration exceeding his
12 or her weekly benefit amount or shared work benefit amount in the
13 form of:

14 (a) Compensation for temporary partial disability pursuant
15 to the workers' compensation law of any state or pursuant to a
16 similar law of the United States;

17 (b) A governmental or other pension, retirement or retired
18 pay, annuity, or other similar periodic payment which is based on
19 the previous work of such claimant to the extent that such
20 payment is provided from funds provided by a base period or
21 chargeable employer pursuant to a plan maintained or contributed
22 to by such employer; but, except for such payments made pursuant
23 to the Social Security Act or the Railroad Retirement Act of 1974
24 (or the corresponding provisions of prior law), the provisions of
25 this paragraph shall not apply if the services performed for such
26 employer by the claimant after the beginning of the base period
27 (or remuneration for such services) do not affect eligibility for
28 or increase the amount of such pension, retirement or retired

1 pay, annuity or similar payment.

2 (2) If the remuneration referred to in this subsection is
3 less than the benefits which would otherwise be due, the claimant
4 shall be entitled to receive for such week, if otherwise
5 eligible, benefits reduced by the amount of such remuneration,
6 and, if such benefit is not a multiple of one dollar, such amount
7 shall be lowered to the next multiple of one dollar.

8 (3) Notwithstanding the provisions of subdivisions (1) and
9 (2) of this subsection, if a claimant has contributed in any way
10 to the Social Security Act or the Railroad Retirement Act of
11 1974, or the corresponding provisions of prior law, no part of
12 the payments received pursuant to such federal law shall be
13 deductible from the amount of benefits received pursuant to this
14 chapter.

15 5. A claimant shall be ineligible for waiting week credit
16 or benefits for any week for which or a part of which he or she
17 has received or is seeking unemployment benefits pursuant to an
18 unemployment insurance law of another state or the United States;
19 provided, that if it be finally determined that the claimant is
20 not entitled to such unemployment benefits, such ineligibility
21 shall not apply.

22 6. (1) A claimant shall be ineligible for waiting week
23 credit or benefits for any week for which the deputy finds that
24 such claimant's total or partial unemployment is due to a
25 stoppage of work which exists because of a labor dispute in the
26 factory, establishment or other premises in which such claimant
27 is or was last employed. In the event the claimant secures other
28 employment from which he or she is separated during the existence

1 of the labor dispute, the claimant must have obtained bona fide
2 employment as a permanent employee for at least the major part of
3 each of two weeks in such subsequent employment to terminate his
4 or her ineligibility. If, in any case, separate branches of work
5 which are commonly conducted as separate businesses at separate
6 premises are conducted in separate departments of the same
7 premises, each such department shall for the purposes of this
8 subsection be deemed to be a separate factory, establishment or
9 other premises. This subsection shall not apply if it is shown
10 to the satisfaction of the deputy that:

11 (a) The claimant is not participating in or financing or
12 directly interested in the labor dispute which caused the
13 stoppage of work; and

14 (b) The claimant does not belong to a grade or class of
15 workers of which, immediately preceding the commencement of the
16 stoppage, there were members employed at the premises at which
17 the stoppage occurs, any of whom are participating in or
18 financing or directly interested in the dispute.

19 (2) "Stoppage of work" as used in this subsection means a
20 substantial diminution of the activities, production or services
21 at the establishment, plant, factory or premises of the employing
22 unit. This definition shall not apply to a strike where the
23 employees in the bargaining unit who initiated the strike are
24 participating in the strike. Such employees shall not be eligible
25 for waiting week credit or benefits during the period when the
26 strike is in effect, regardless of diminution, unless the
27 employer has been found guilty of an unfair labor practice by the
28 National Labor Relations Board or a federal court of law for an

1 act or actions preceding or during the strike.

2 7. On or after January 1, 1978, benefits shall not be paid
3 to any individual on the basis of any services, substantially all
4 of which consist of participating in sports or athletic events or
5 training or preparing to so participate, for any week which
6 commences during the period between two successive sport seasons
7 (or similar periods) if such individual performed such services
8 in the first of such seasons (or similar periods) and there is a
9 reasonable assurance that such individual will perform such
10 services in the later of such seasons (or similar periods).

11 8. Benefits shall not be payable on the basis of services
12 performed by an alien, unless such alien is an individual who was
13 lawfully admitted for permanent residence at the time such
14 services were performed, was lawfully present for purposes of
15 performing such services, or was permanently residing in the
16 United States under color of law at the time such services were
17 performed (including an alien who was lawfully present in the
18 United States as a result of the application of the provisions of
19 Section 212(d)(5) of the Immigration and Nationality Act).

20 (1) Any data or information required of individuals
21 applying for benefits to determine whether benefits are not
22 payable to them because of their alien status shall be uniformly
23 required from all applicants for benefits.

24 (2) In the case of an individual whose application for
25 benefits would otherwise be approved, no determination that
26 benefits to such individual are not payable because of such
27 individual's alien status shall be made except upon a
28 preponderance of the evidence.

1 9. A claimant shall be ineligible for waiting week credit
2 or benefits for any week such claimant has an outstanding penalty
3 which was assessed based upon an overpayment of benefits, as
4 provided for in subsection 9 of section 288.380.

5 10. The directors of the division of employment security
6 and the division of workforce development shall submit to the
7 governor, the speaker of the house of representatives, and the
8 president pro tem of the senate no later than October 15, 2006, a
9 report outlining their recommendations for how to improve work
10 search verification and claimant reemployment activities. The
11 recommendations shall include, but not limited to how to best
12 utilize "greathires.org", and how to reduce the average duration
13 of unemployment insurance claims. Each calendar year thereafter,
14 the directors shall submit a report containing their
15 recommendations on these issues by December thirty-first of each
16 year.

17 288.062. 1. As used in this section, unless the context
18 clearly requires otherwise:

19 (1) "Extended benefit period" means a period which begins
20 with the third week after a week for which there is a state "on"
21 indicator, and ends with either of the following weeks, whichever
22 occurs later:

23 (a) The third week after the first week for which there is
24 a state "off" indicator; or

25 (b) The thirteenth consecutive week of such period;
26 provided, that no extended benefit period may begin by reason of
27 a state "on" indicator before the fourteenth week following the
28 end of a prior extended benefit period which was in effect with

1 respect to this state;

2 (2) There is a "state 'on' indicator" for this state for a
3 week if the director determines, in accordance with the
4 regulations of the United States Secretary of Labor, that for the
5 period consisting of such week and the immediately preceding
6 twelve weeks, the rate of insured unemployment (not seasonally
7 adjusted) under this law:

8 (a) a. Equaled or exceeded one hundred twenty percent of
9 the average of such rates for the corresponding thirteen-week
10 period ending in each of the preceding two calendar years; and

11 [(b)] b. Equaled or exceeded four percent for weeks
12 beginning prior to or on September 25, 1982, or five percent for
13 weeks beginning after September 25, 1982; except that, if the
14 rate of insured unemployment as contemplated in this subdivision
15 equals or exceeds five percent for weeks beginning prior to or on
16 September 25, 1982, or six percent for weeks beginning after
17 September 25, 1982, the determination of an "on" indicator shall
18 be made under this subdivision as if this subdivision did not
19 contain the provisions of subparagraph a. of paragraph (a) of
20 this subdivision; or

21 [(c)] (b) With respect to weeks of unemployment beginning
22 on or after February 1, 2009, and ending on or before the week
23 ending four weeks prior to the last week of unemployment for
24 which one hundred percent federal sharing is available under the
25 provisions of Public Law 111-5, Section 2005(a) or [March 3,
26 2011] August 28, 2013, whichever should occur first:

27 a. The average rate of total unemployment in the state
28 (seasonally adjusted), as determined by the United States

1 Secretary of Labor, for the period consisting of the most recent
2 three months for which data for all states are published before
3 the close of such week equals or exceeds six and one-half
4 percent; and

5 b. The average rate of total unemployment in the state
6 (seasonally adjusted), as determined by the United States
7 Secretary of Labor, for the three-month period referred to in
8 subparagraph a. of this paragraph, equals or exceeds one hundred
9 and ten percent of such average for either or both of the
10 corresponding three-month periods ending in the two preceding
11 calendar years; or

12 c. Effective with respect to compensation for weeks of
13 unemployment beginning after the date of enactment of the Tax
14 Relief, Unemployment Insurance Reauthorization, and Job Creation
15 Act of 2010, Public Law 111-312, and ending on or before the last
16 day allowable by the Tax Relief, Unemployment Insurance
17 Reauthorization, and Job Creation Act of 2010, the average rate
18 of total unemployment in the state (seasonally adjusted), as
19 determined by the United States Secretary of Labor, for the
20 three-month period referred to in subparagraph a. of this
21 paragraph, equals or exceeds one hundred and ten percent of such
22 average for any or all of the corresponding three-month periods
23 ending in the three preceding calendar years;

24 (3) There is a "state 'off' indicator" for this state for a
25 week if the director determines, in accordance with the
26 regulations of the United States Secretary of Labor, that for the
27 period consisting of such week and the immediately preceding
28 twelve weeks, the rate of insured unemployment (not seasonally

adjusted) under this law:

(a) Was less than one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years; or

(b) Was less than four percent (five percent for weeks beginning after September 25, 1982); except, there shall not be an "off" indicator for any week in which an "on" indicator as contemplated in subparagraph b. of paragraph [(b)] (a) of subdivision (2) of this subsection exists;

(4) "Rate of insured unemployment", for the purposes of subdivisions (2) and (3) of this subsection, means the percentage derived by dividing:

(a) The average weekly number of individuals filing claims for regular compensation in this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the director on the basis of his or her reports to the United States Secretary of Labor, by

(b) The average monthly employment covered under this law for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period;

(5) "Regular benefits" means benefits payable to an individual under this law or under any other state law (including benefits payable to federal civilian employees and ex-servicemen pursuant to 5 U.S.C. Chapter 85) other than extended benefits;

(6) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. Chapter 85) payable to an individual under the provisions of this section for weeks of unemployment in his

1 or her eligibility period;

2 (7) "Eligibility period" of an individual means the period
3 consisting of the weeks in his or her benefit year which begin in
4 an extended benefit period and, if his or her benefit year ends
5 within such extended benefit period, any weeks thereafter which
6 begin in such period;

7 (8) "Exhaustee" means an individual who, with respect to
8 any week of unemployment in his or her eligibility period:

9 (a) Has received, prior to such week, all of the regular
10 benefits that were available to him or her under this law or any
11 other state law (including dependents' allowances and benefits
12 payable to federal civilian employees and ex-servicemen under 5
13 U.S.C. Chapter 85) in his or her current benefit year that
14 includes such week; provided, that, for the purposes of this
15 paragraph, an individual shall be deemed to have received all of
16 the regular benefits that were available to him or her although
17 as a result of a pending appeal with respect to wages or
18 employment, or both, that were not considered in the original
19 monetary determination in his or her benefit year, he may
20 subsequently be determined to be entitled to added regular
21 benefits; or

22 (b) Has received, prior to such week, all the regular
23 compensation available to him or her in his or her current
24 benefit year that includes such week under the unemployment
25 compensation law of the state in which he or she files a claim
26 for extended compensation or the unemployment compensation law of
27 any other state after a cancellation of some or all of his or her
28 wage credits or the partial or total reduction of his or her

1 right to regular compensation; or

2 (c) His or her benefit year having expired prior to such
3 week, he or she has insufficient wages or employment, or both, on
4 the basis of which he or she could establish in any state a new
5 benefit year that would include such week, or having established
6 a new benefit year that includes such week, he or she is
7 precluded from receiving regular compensation by reason of a
8 state law provision which meets the requirement of section
9 3304(a)(7) of the Internal Revenue Code of 1954; and

10 (d) a. Has no right to unemployment benefits or
11 allowances, as the case may be, under the Railroad Unemployment
12 Insurance Act, the Trade Expansion Act of 1962, the Automotive
13 Products Trade Act of 1965 and such other federal laws as are
14 specified in regulations issued by the United States Secretary of
15 Labor; and

16 b. Has not received and is not seeking unemployment
17 benefits under the unemployment compensation law of Canada; but
18 if he or she is seeking such benefits and the appropriate agency
19 finally determines that he or she is not entitled to benefits
20 under such law he or she is considered an exhaustee;

21 (9) "State law" means the unemployment insurance law of any
22 state, approved by the United States Secretary of Labor under
23 Section 3304 of the Internal Revenue Code of 1954.

24 2. Except when the result would be inconsistent with the
25 other provisions of this section, as provided in the regulations
26 of the director, the provisions of this law which apply to claims
27 for, or the payment of, regular benefits shall apply to claims
28 for, and the payment of, extended benefits.

1 3. An individual shall be eligible to receive extended
2 benefits with respect to any week of unemployment in his or her
3 eligibility period only if the deputy finds that with respect to
4 such week:

5 (1) He or she is an exhaustee as defined in subdivision (8)
6 of subsection 1 of this section;

7 (2) He or she has satisfied the requirements of this law
8 for the receipt of regular benefits that are applicable to
9 individuals claiming extended benefits, including not being
10 subject to a disqualification for the receipt of benefits; except
11 that, in the case of a claim for benefits filed in another state,
12 which is acting as an agent state under the Interstate Benefits
13 Payment Plan as provided by regulation, which claim is based on
14 benefit credits accumulated in this state, eligibility for
15 extended benefits shall be limited to the first two compensable
16 weeks unless there is an extended benefit period in effect in
17 both this state and the agent state in which the claim was filed;

18 (3) The other provisions of this law notwithstanding, as to
19 new extended benefit claims filed after September 25, 1982, an
20 individual shall be eligible to receive extended benefits with
21 respect to any week of unemployment in his or her eligibility
22 period only if the deputy finds that the total wages in the base
23 period of his or her benefit year equal at least one and one-half
24 times the wages paid during that quarter of his or her base
25 period in which his or her wages were highest.

26 4. A claimant shall not be eligible for extended benefits
27 following any disqualification imposed under subsection 1 or 2 of
28 section 288.050, unless subsequent to the effective date of the

1 disqualification, the claimant has been employed during at least
2 four weeks and has earned wages equal to at least four times his
3 or her weekly benefit amount.

4 5. For the purposes of determining eligibility for extended
5 benefits, the term "suitable work" means any work which is within
6 such individual's capabilities except that, if the individual
7 furnishes satisfactory evidence that the prospects for obtaining
8 work in his or her customary occupation within a reasonably short
9 period are good, the determination of what constitutes suitable
10 work shall be made in accordance with the provisions of
11 subdivision (3) of subsection 1 of section 288.050. If a deputy
12 finds that a person who is claiming extended benefits has refused
13 to accept or to apply for suitable work, as defined in this
14 subsection, or has failed to actively engage in seeking work
15 subsequent to the effective date of his or her claim for extended
16 benefits, that person shall be ineligible for extended benefits
17 for the period beginning with the first day of the week in which
18 such refusal or failure occurred. That ineligibility shall
19 remain in effect until the person has been employed for at least
20 four weeks after the week in which the refusal or failure
21 occurred and has earned wages equal to at least four times his or
22 her weekly benefit amount.

23 6. Extended benefits shall not be denied under subsection 5
24 of this section to any individual for any week by reason of a
25 failure to accept an offer of or apply for suitable work if:

26 (1) The gross average weekly remuneration for such work
27 does not exceed the individual's weekly benefit amount plus the
28 amount of any supplemental unemployment benefits, as defined in

1 section 501(c) (17) (d) of the Internal Revenue Code, payable to
2 such individual for such week; or

3 (2) The position was not offered to such individual in
4 writing or was not listed with the state employment service; or

5 (3) If the remuneration for the work offered is less than
6 the minimum wage provided by Section 6(a) (1) of the Fair Labor
7 Standards Act of 1938, as amended, without regard to any
8 exemption or any applicable state or local minimum wage,
9 whichever is the greater.

10 7. For the purposes of this section, an individual shall be
11 considered as actively engaged in seeking work during any week
12 with respect to which the individual has engaged in a systematic
13 and sustained effort to obtain work as indicated by tangible
14 evidence which the individual provides to the division.

15 8. Extended benefits shall not be denied for failure to
16 apply for or to accept suitable work if such failure would not
17 result in a denial of benefits under subdivision (3) of
18 subsection 1 of section 288.050 to the extent that the provisions
19 of subdivision (3) of subsection 1 of section 288.050 are not
20 inconsistent with the provisions of subsections 5 and 6 of this
21 section.

22 9. The division shall refer any claimant entitled to
23 extended benefits under this law to any suitable work which meets
24 the criteria established in subsections 5 and 6 of this section.

25 10. Notwithstanding other provisions of this chapter to the
26 contrary, as to claims of extended benefits, subsections 4 to 9
27 of this section shall not apply to weeks of unemployment
28 beginning after March 6, 1993, and before January 1, 1995.

1 Entitlement to extended benefits for weeks beginning after March
2 6, 1993, and before January 1, 1995, shall be determined in
3 accordance with provisions of this chapter not excluded by this
4 subsection.

5 11. "Weekly extended benefit amount." The weekly extended
6 benefit amount payable to an individual for a week of total
7 unemployment in his or her eligibility period shall be an amount
8 equal to the weekly benefit amount payable to him or her during
9 his or her applicable benefit year, reduced by a percentage equal
10 to the percentage of the reduction in federal payments to states
11 under Section 204 of the Federal State Extended Unemployment
12 Compensation Act of 1970, in accord with any order issued under
13 any law of the United States. Such weekly benefit amount, if not
14 a multiple of one dollar, shall be reduced to the nearest lower
15 full dollar amount.

16 12. (1) "Total extended benefit amount." The total
17 extended benefit amount payable to any eligible individual with
18 respect to his or her applicable benefit year shall be the lesser
19 of the following amounts:

20 (a) Fifty percent of the total amount of regular benefits
21 which were payable to him or her under this law in his or her
22 applicable benefit year;

23 (b) Thirteen times his or her weekly benefit amount which
24 was payable to him or her under this law for a week of total
25 unemployment in the applicable benefit year.

26 (2) Notwithstanding subdivision (1) of this subsection,
27 during any fiscal year in which federal payments to states under
28 Section 204 of the Federal State Extended Unemployment

1 Compensation Act of 1970 are reduced under any order issued under
2 any law of the United States, the total extended benefit amount
3 payable to an individual with respect to his or her applicable
4 benefit year shall be reduced by an amount equal to the aggregate
5 of the reductions under subsection 11 of this section in the
6 weekly amounts paid to the individual.

7 (3) Notwithstanding the other provisions of this
8 subsection, if the benefit year of any individual ends within an
9 extended benefit period, the remaining balance of extended
10 benefits that such individual would, but for this subdivision, be
11 entitled to receive in that extended benefit period, with respect
12 to weeks of unemployment beginning after the end of the benefit
13 year, shall be reduced, but not below zero, by the product of the
14 number of weeks for which the individual received trade
15 readjustment allowances under the Trade Act of 1974, as amended,
16 within that benefit year, multiplied by the individual's weekly
17 benefit amount for extended benefits.

18 (4) (a) Effective with respect to weeks beginning in a
19 high unemployment period, subdivision (1) of this subsection
20 shall be applied by substituting:

21 a. Eighty percent for fifty percent in paragraph (a) of
22 subdivision (1) of this subsection; and

23 b. Twenty times for thirteen times in paragraph (b) of
24 subdivision (1) of this subsection.

25 (b) For purposes of paragraph (a) of this subdivision, the
26 term "high unemployment period" means any period during which an
27 extended benefit period would be in effect if subparagraph a. of
28 paragraph [(c)] (b) of subdivision (2) of subsection 1 of this

1 section were applied by substituting eight percent for six and
2 one-half percent.

3 13. (1) Whenever an extended benefit period is to become
4 effective in this state as a result of a state "on" indicator, or
5 an extended benefit period is to be terminated in this state as a
6 result of a state "off" indicator, the director shall make an
7 appropriate public announcement.

8 (2) Computations required by the provisions of subdivision
9 (4) of subsection 1 of this section shall be made by the
10 director, in accordance with regulations prescribed by the United
11 States Secretary of Labor.

12 288.398. 1. The division of employment security [may]
13 shall contract with one or more consumer reporting agencies, with
14 preference given to those which maintain offices within the state
15 of Missouri, to provide secure electronic access to information
16 provided in the quarterly wage report to the division of
17 employment security by employing units. The consumer reporting
18 agency shall be limited to use of such information to those
19 permitted under Section 604 of the Federal Fair Credit Reporting
20 Act (15 U.S.C. 1681b).

21 2. The information provided to a consumer reporting agency
22 shall be limited to the amount of wages reported by each
23 employing unit, with the employing unit's name and address, for
24 each of or up to the last eight quarters. For the purposes of
25 this section, "consumer reporting agency" has the meaning
26 assigned by Section 603(f) of the Fair Credit Reporting Act (15
27 U.S.C. 1681f).

28 3. The information is subject to the privacy rules of this

1 state and the Federal Fair Credit Reporting Act in addition to
2 this section. The consumer reporting agency shall require that
3 any user of the information shall, prior to obtaining the wage
4 report information, obtain a written consent from the individual
5 to whom that wage report information pertains.

6 4. The written consent shall prominently contain language
7 specifying the following:

8 (1) The consent to disclose is voluntary and refusal to
9 consent to disclosure of state wage information shall not be the
10 basis for the denial of credit;

11 (2) If consent is granted, the information shall be
12 released to specified parties;

13 (3) Authorization by the individual is necessary for the
14 release of wage and employment history information;

15 (4) The specific application or transaction for the sole
16 purpose of which release is made;

17 (5) Division of employment security files containing wage
18 and employment history information submitted by employers may be
19 accessed; and

20 (6) The identity and address of parties authorized to
21 receive the released information.

22 5. The consumer reporting agency shall require that the
23 information released shall be used only to verify the accuracy of
24 the wage or employment information previously provided by an
25 individual in connection with a specific transaction to satisfy
26 its user's standard underwriting requirements or those imposed
27 upon the user, and to satisfy user's obligations, under
28 applicable state or federal fair credit reporting laws.

1 6. The division of employment security shall establish
2 minimum audit, security, net worth, and liability insurance
3 standards, technological requirements, any other terms and
4 conditions deemed necessary in the discretion of the division to
5 safeguard the confidentiality of the information and to otherwise
6 serve the public interest. The division shall not pay any costs
7 associated with the establishment or maintenance of the access
8 provided for by this subsection, including but not limited to the
9 costs of any audits of the consumer reporting agency or users by
10 the division. The division may void any contract authorized by
11 this section if the contractor is not complying with this
12 section. Except in cases of willful and wanton misconduct, the
13 state and division are immune from any liability in connection
14 with information provided under this section, including but not
15 limited to liability with regard to the accuracy or use of the
16 information. Any fees received by the division of employment
17 security from a consumer reporting agency pursuant to this
18 section shall be deposited in the Missouri unemployment insurance
19 trust fund and dedicated solely for benefit payments.

20 7. Any person or entity who willfully fails to comply with
21 any requirement imposed under this subsection with respect to any
22 consumer is liable in Missouri state courts to that consumer to
23 the same extent as provided for in Section 616 of the Federal
24 Fair Credit Reporting Act (15 U.S.C. 1681n).

25 8. A consumer may bring an action in a circuit court to
26 enjoin a violation of this act.

27 9. Any person who knowingly and willfully obtains
28 information pursuant to this subsection from a consumer reporting

1 agency under false pretenses shall be punished to the same extent
2 as provided under Section 619 of the Federal Fair Credit
3 Reporting Act (15 U.S.C. 1681q).

4 10. If the completeness or accuracy of any item of
5 information in a consumer's file at a consumer reporting agency
6 obtained under this subsection is disputed, the dispute
7 resolution shall be handled according to Section 611 of the
8 Federal Fair Credit Reporting Act (15 U.S.C. 1681l).

9 Section B. Because immediate action is necessary to help
10 Missourians during economic hardship, section A of this act is
11 deemed necessary for the immediate preservation of the public
12 health, welfare, peace, and safety, and is hereby declared to be
13 an emergency act within the meaning of the constitution, and
14 section A of this act shall be in full force and effect upon its
15 passage and approval.